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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,072	06/01/2000	Gavriel Vexler	736.321US01	5741

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 12/04/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,072

Applicant(s)

VEXLER ET AL.

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 4-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 September 2000 is: a) ☐ approved b) ☒ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 7, 2002 has been entered.

Drawings

2. The corrected or substitute drawings were received on September 5, 2000. These drawings are not approved.
3. The drawings are objected to because Figures 1-2b and 4a-5b lack the proper cross-hatching, which indicates the type of materials, which may be in an invention. Specifically, the cross-hatching to indicate the conductor and insulation materials is incorrect. The applicant should refer to MPEP Section 608.02 for the proper cross-hatching of materials.
4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Brauns et al (Pat Num 3,584,132, herein referred to as Brauns). Brauns discloses a prior art twisted pair cable (Fig 3c) comprising a plurality of pairs that are not twisted upon their own axis (Col 3, lines 13-19). Specifically, with respect to claim 13, Brauns discloses a prior art cable (Figs 1a-c) comprising a plurality of pairs (red 18 & green 18, and yellow 18 & black 18), wherein each of the pairs (red 18 & green 18 and yellow 18 & black 18) comprise two conductor assemblies (red 18, green 18, yellow 18, and black 18), a first assembly (black 18 & yellow 18) comprising a conductor (yellow 22), at least one layer of insulation (yellow 24) surrounding the conductor (yellow 22), an inner edge (denoted as 100) of the first assembly (yellow 18) defined by a surface of the first assembly (yellow 18) closest to a second conductor assembly (black 18) in the same pair (yellow 18 & black 18), an outer edge (denoted as 200) of the first assembly (yellow 18) defined by a surface of the first assembly (yellow 18) farthest from the second conductor assembly (black 18) in the same pair (yellow 18 and black 18), wherein the outer edge (200) of the first assembly (yellow 18) is farther from the conductor (yellow 22) than the

inner edge (100) of the first assembly (yellow 18 and black 18) over the length of the pair (Figs 1a-c, Col 3, lines 70-75).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brauns et al (Pat Num 3,584,132) in view of Gagnon (Pat Num. 5,841,072). Specifically, with respect to claim 1, Brauns discloses a prior art cable (Figs 1a-c) comprising a plurality of pairs (red 18 & green 18, and yellow 18 & black 18), wherein each of the pairs (red 18 & green 18 and yellow 18 & black 18) comprise two conductor assemblies (red 18, green 18, yellow 18, and black 18), a first assembly (black 18 & yellow 18) comprising a

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conductor (yellow 22), an inner insulation (yellow 24) surrounding the conductor (yellow 22), an inner edge (denoted as 100) of the first assembly (yellow 18) defined by a surface of the first assembly (yellow 18) closest to a second conductor assembly (black 18) in the same pair (yellow 18 & black 18), an outer edge (denoted as 200) of the first assembly (yellow 18) defined by a surface of the first assembly (yellow 18) farthest from the second conductor assembly (black 18) in the same pair (yellow 18 and black 18), wherein the outer edge (200) of the first assembly (yellow 18) is farther from the conductor (yellow 22) than the inner edge (100) of the first assembly (yellow 18 and black 18) over the length of the pair (Figs 1a-c, Col 3, lines 70-75).

However, Brauns doesn't necessarily disclose the pairs comprising an inner layer insulator and an outer layer insulator (claim 1).

Gagnon teaches a twisted pair cable (Figs 1-2) for transmitting high frequency signals (abstract) that has a dual insulation for the purpose of approved use in plenum spaces having a cheaper cost (Col 2, lines 33-37). Specifically, with respect to claim 1, Gagnon teaches a twisted pair cable (20) comprising a plurality of twisted pairs (Fig 2) wherein the pairs comprise two conductors (21) surrounded by an inner layer insulator (22) and an outer layer insulator (23), wherein the two conductors (21) surrounded by an inner layer insulator (22) and an outer layer insulator (23).

With respect to claim 1, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the cable of Brauns to comprise the insulation configuration as taught by Gagnon because Gagnon teaches that such a configuration provides a cable that processes superior transmission

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properties, qualifies for the purpose of approved use in plenum spaces and can be manufactured at a cheaper cost (Col 1 & 2, lines 5-10 & 33-37 respectively).

Allowable Subject Matter

10. Claims 16-17 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: This invention deals with a twisted pair cable comprising an method of making a twisted pair cable comprising an extrudable polymer having a modulus of elasticity greater than 64 KPSI at room temperature and an extrudable elastomer having a modulus of elasticity lower than 35 KPSI at room temperature (claim 16). This invention also deals with a twisted pair cable comprising two plurality of pairs, wherein each pair comprises two assemblies, wherein a second assembly comprises an inner edge of the second assembly defined by a surface of the second assembly closest to a first assembly in the same pair and an outer edge of the of the second assembly defined by a surface of the second assembly farthest from the first assembly in the same pair, wherein the outer edge of the second assembly being farther from the second conductor than the inner edge of the second assembly over the length of the pair (claim 17). The above stated claim limitations, in combination with other claim limitations, are not taught or suggested by the prior art of record.

12. Claims 4-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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13. The following is a statement of reasons for the indication of allowable subject matter: This invention deals with a twisted pair cable wherein the conductor of the first assembly is closer to a conductor of the second assembly than an outer surface opposite the conductors (claim 4). This claim limitation, in combination with other claim limitations, is not taught or suggested by the prior art of record.

Response to Arguments

14. Applicant's arguments with respect to claims 1 and 4-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is Walling et al (Pat Num 6,272,828), which discloses conductors being eccentric in various views during the rotation of the conductor about it's own axis.


Communication

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30 a. m. -6:00 p.m. (alternating Friday's off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



WHM III
April 7, 2001